



Paper No. 7

Supervisor, Patent Prosecution Services  
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**COPY MAILED****NOV 22 2002****OFFICE OF PETITIONS**

In re Application of  
William Muhammad  
Application No. 09/727,489  
Filed: December 4, 2000  
Attorney Docket No. 9504-001-27

DECISION ON PETITION

This is a decision on the "Petition to Revive" filed October 2, 2002, under 37 CFR 1.137(b), to revive the above-identified application. This petition is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition under 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to reply to the "Notice to File Corrected Application Papers" mailed January 18, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No reply having been received, the above-identified application became abandoned on March 13, 2001. A Notice of Abandonment was mailed on September 3, 2002.

In response, petitioner promptly filed the instant petition. Petitioner states that as evidenced by the attached copy of the date stamped filing receipt, formal drawings were timely filed on March 19, 2001; and requests that the application be revived.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the USPTO on March 19, 2001; 2) it specifically identifies the items being filed, including "Formal Drawings 6 sheets" and "Return Notice to File Corrected Application Papers" and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioner has shown that the response, 6 sheets of drawings, should be considered timely filed on March 19, 2001.

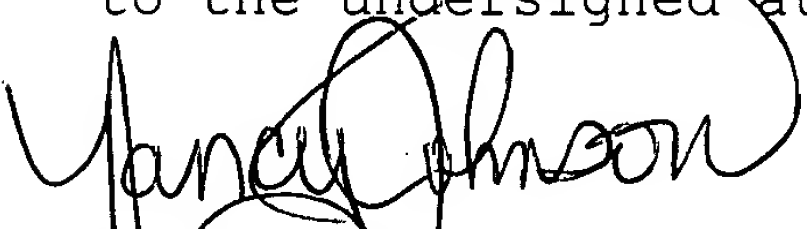
Accordingly, the Notice of Abandonment mailed September 3, 2002 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

Consideration of the petition under § 1.137(b) is unnecessary. The petition fee submitted (\$130<sup>1</sup>) is being refunded to Deposit Account No. 50-1442, as authorized. (There is no fee for consideration of the petition under § 1.181).

<sup>1</sup> Petitioner is advised, however, that the petition fee for consideration under § 1.137(b) is currently either \$640 for a small entity, or \$1,280 for a large entity.

The application file is being forwarded to the Office of Initial Patent Examination for processing of the response (Paper No. 6) to the "Notice to File Corrected Application Papers" resubmitted October 2, 2002.

Telephone inquiries specific to this decision should be directed to the undersigned at (703) 305-0309.

A handwritten signature in cursive script, appearing to read "Nancy Johnson", is written over the typed name and title.

Nancy Johnson  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy